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REMARKS

The Examiner provisionally rejected Claims 1-12 as being unpatentable over Claims 1-11 of co-pending Application 10/804,286. The Examiner states that the conflicting claims are not patentably distinct from each other because it is well known in the art to provide a color photodetector in combination with a color filter to detect a color image, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a color photodetector array with the color filter and method of fabricating the color filter disclosed in Claims 1-11 of application 10/804,286 to provide accurate color image detection for a camera or optical scanner.

Applicant respectfully submits that there is no suggestion in Claims 1-11 of the above identified co-pending application of any motivation for making the combination suggested by the Examiner. Claims 1-11 concern specific color filters and methods for making such filters, without regard to any particular application. The Examiner has not pointed to any motivation supported by the prior art of record for combining the specific filters or filter fabrication methods described in Claims 1-11 with the color sensor or color sensor fabrication methods that are the subject of the current invention. The mere fact that all of the elements of a claim are known is not sufficient to sustain a rejection for obviousness absent some motivation in the art form making the combination. The Examiner has not pointed to any teaching in the art that a filter as disclosed in Claims 1-11 of the copending application provides any benefits beyond those provided by the conventional filters used in photodetectors. Hence, Applicant submits that Claims 1-12 of the current invention are not obvious in view of the above identified co-pending Application.

The Examiner rejected Claim 3 under 35 U.S.C. 102(b) as being anticipated by Sakamoto, *et al* (hereafter "Sakamoto") US 5,648,653. Applicant submits that Claim 3 as currently amended is not anticipated by Sakamoto.

Claim 3 has been amended to make it clear that the trim filter is composed of alternating dielectric layers, where adjacent layers have different refractive indices. The filter taught by Sakamoto is composed of alternating metal and dielectric layers. There is no

teaching in Sakamoto that the dielectric layers taught therein have different indexes of refraction. Hence, Applicant submits that Claim 3 is not anticipated by Sakamoto.

I hereby certify that this paper is being sent by FAX to 571-273-8300.

Respectfully Submitted,



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Date: Feb. 1, 2007

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